IN THE

Supreme Court of the United States

October Term 1952

No. 647

GEORGE EARL TOOLSON, *Petitioner*

vs.

NEW YORK YANKEES. INC., *et al, Respondents*

PETITIONERS REPLY BRIEF TO RESPONDENTS BRIEF IN OPPOSITION TO PETITION FOR CERTIORARI

I.

In Limine

Respondents present in limine the question whether petitioner has a standing to invoke a review of one ground of a final order or judgment which is also based upon another independent ground. (Resp. Brief 8).

Petitioner has requested review of a judgment of the United States Court of Appeals for the Ninth Circuit. The grounds for that judgment are set forth in the Court of Appeals opinion (R-62). The Court of Appeals adopted the grounds and reasons set forth in the *opinion* of the district court. A mere reading of that *opinion*

(R-41) shows that no other grounds for dismissal have been considered by either District Court or Court of Appeals than the question of the jurisdiction of the subject matter.

Respondents state twice on pages 8 and 9 of their Brief in Opposition that neither court considered respondents other contentions.

Certainly in this action only the question of jurisdiction has been decided by the District Court and Court of Appeals. It is this one question that petitioner requests be reviewed.

II.

Respondents point V (Resp. Brief 32) presents material completely beyond the inquiry of the Court on this petition. However, petitioner, when called upon to do so can fully and adequately answer each contention presented. Respondents point V admits the issue of jurisdiction which is the only issue before the Court.

III.

Respondents position is that a denial of this petition on the basis of the Federal Baseball Club v. National League (1922), 259 US200, case would effectively answer all of the contentions presented in the petition. However, the very length and complexity of Respondents arguments show that this matter is one which should not be decided on a mere denial of the petition. It is clear that the petition must be granted in order that the Courts decision be given only after a complete and full hearing of the case.

An extended argument of the merits of the matter presented by the petition is out of place in these briefs and the necessity for such extended argument shows that the petition should be granted.

Respectfully Submitted,

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